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NO. 4564 P. 6

Atty. Dkt. No. 063391-0202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew P. Patricelli  
Title: ACTIVITY BASED PROBE ANALYSIS  
Appl. No.: 10/049,164  
Filing Date: 10/21/2002  
Examiner: Shafiqul Haq  
Art Unit: 1641  
Conf. No. 6075

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|---|--------------------------------|
| <b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>  |                                |
| I hereby certify that this correspondence is being facsimile deposited with the United States Patent Office in Alexandria, Virginia, on the date below. |                                |
| Stephen E. Reiter<br>(Printed Name)   | <i>Steph E.</i><br>(Signature) |
| 3/23/06<br>(Date of Deposit)  |                                |

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

UNDER 37 C.F.R. §1.705

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the patent term adjustment (PTA) of 220 days as indicated on the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed on January 6, 2006. The total PTA should be adjusted by an additional 34 days, for a total of 254 days, as determined below.

Upon review of the Patent Term Adjustment History using the Patent Application Information Retrieval (PAIR) database, it is noted that Applicants should be credited an additional 34 days for USPTO delay beyond June 14, 2006 (the end of the three-year pendency period) through the projected patent issue date of July 18, 2006 (six and one half months from the time of mailing of the Notice of Allowance). The additional 34 days of PTA are derived as follows.

DLMR\_280122.1

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The present application was filed on October 21, 2002. There were delays by the USPTO and Applicant of 236 and 16 days, respectively. Thus, the three year period to end prosecution (taking into account 252 days of combined delays) expires June 14, 2006. In view of the projected patent grant date of July 18, 2006, there are an additional 34 days that should be charged to USPTO delay.

Therefore, the net Patent Term Adjustment should be 254 days (based on 220 days already acknowledged on PAIR, plus 34 days as noted above). Accordingly, it is respectfully requested that the total patent term adjustment of 254 days be issued in favor of the Applicant. This patent is not subject to a terminal disclaimer.

It is further requested that the fee of \$200.00 be waived in light of the above circumstances. However, if the Patent Office determines that the fee is required, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application for patent term adjustment can be achieved.

Respectfully submitted,

Date: 3/23/06

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